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C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 000173

SIPDIS

STATE FOR EEB/TRA SILER, EUR/ERA ROCKWELL  
DHS FOR TSA JHALINSKI  
USDOC FOR 4212/ITA/MAC/EUR/OECA/WNE/JLEVINE

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TAGS: [PREL](#) [ECON](#) [FAIR](#) [BE](#)  
SUBJECT: BELGIUM: WIDER IMPLICATIONS OF BELGIAN  
NON-COMPLIANCE ON ZAVENTEM AIRPORT SECURITY

REF: A) 08 BRUSSELS 1950 B) 08 BRUSSELS 1936

11. (U) This is a combined message from Embassy Brussels and  
USEU Brussels. See action request paras 7-9.

Background  
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12. (SBU) Cooperation on aviation security measures between  
the United States and European authorities has a  
long-standing history, rooted in international treaties and  
bilateral agreements. Within the European Union (EU),  
aviation security is a member state competence, but the EU  
has established common rules (EU regulation 2320/2002,  
replaced March 2008 by regulation 300/2008) and basic  
standards. In addition to working closely with counterparts  
in EU member states, the U.S. Transportation Security Agency  
(TSA) also has a non-binding working arrangement with the  
European Commission's Transport and Energy Directorate  
(DG-TREN) to facilitate assessment of airports. In some  
cases, airport authorities in Europe have argued there is a  
conflict between national agreements, EU regulations, the  
EU-TSA working arrangement and TSA air carrier requirements.

13. (C) As reported in reftels, the initial unwillingness in  
December 2008 by the Belgian Civil Aviation Authority (CAA)  
to adopt additional TSA-requested measures (random and  
continuous secondary screening of passengers' baggage and  
shoes) at the Zaventem airport in Brussels subsequently,  
caused some, but not all, airports in Spain and Germany to  
cease additional security measures. Ultimately, after  
lobbying by the Embassy (including a diplomatic note and  
meetings with Ministers and their staff), Belgium's CAA  
agreed to take additional security measures for 90 days from  
December 23, 2008, with the understanding that in the  
meantime the USG and European Commission would "work out a  
permanent solution." Another factor in gaining the extension  
agreement was TSA officials' conversations with India-based  
Jet Airways' representatives that the airline would fully  
implement TSA requirements at any and all airports it serves  
(and thus assuring the Belgians that Frankfurt airport would  
not benefit if Zaventem implemented the extra measures while  
Frankfurt did not).

On-going Efforts  
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14. (SBU) Taking advantage of a regularly scheduled EU  
Aviation Security meeting, TSA officials from Washington,  
Belgium, Spain and Germany, along with representatives from  
USEU Mission and Embassy Brussels, met January 15-16 in

Brussels with host-country counterparts to discuss the implementation of required TSA security measures at national airports that serve the United States with last point of departure flights.

15. (SBU) In the January 15-16 meetings, Spanish and German officials, while receptive to making changes, told TSA and USEU representatives that they would need to consult with their capitals. TSA and USEU representatives also had a positive meeting in Brussels with European Union (EU) Aviation Security officials from the Transport and Energy Directorate that resulted in an agreement to raise this issue during the U.S.-EU air transport joint committee meeting taking place February 26 in Paris. In preparation for the discussions in Paris, TSA and DG-TREN security counterparts met in Washington February 2-6.

16. (SBU) TSA and Embassy Brussels officials also met separately with Franck Durinckx, Director General of Belgium's Civil Aviation authority on January 16. Durinckx expressed a desire to work with TSA to resolve the airport security matter without holding fast to implementing sufficient measures at Zaventem for only 90 days (Ref A)-- that is, without saying so explicitly, he will continue to allow the TSA measures to be carried out beyond the 90 days initially agreed to (o/a March 22)-- as long as a U.S.-EU long-term solution is being developed.

Action Request  
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17. (C) Despite the progress made in the technical meetings in Brussels January 15-16 and Washington February 2-6, Embassy Brussels and USEU note the possibility of this becoming a political issue again. We are concerned that if a permanent solution is not reached quickly, Belgium authorities may stop these screening measures and encourage other EU countries to do the same, with serious consequences for U.S. security, diplomatic, and commercial aviation interests in Europe and elsewhere. In addition, we understand that countries outside the EU (notably Brazil) are watching the outcome of this airport security issue, so failure to obtain broad agreement on meeting TSA airport security standards here could cause a ripple effect worldwide.

18. (C) In addition to continuing to seek a long-term solution at the February US-EU Paris meetings, Embassy Brussels and USEU recommend Washington instruct EU posts to raise the issue at a political level to ensure host governments, aviation authorities, airports and other parties understand that USG security requirements sought by TSA are need-based, in line with the US-EU Air Transport Agreement (Open Skies) and ICAO, and are being uniformly applied so as to have no unintended commercial impact on airports or carriers. It is particularly vital, in our view, that the Frankfurt airport is required to apply the same TSA standards that have now been temporarily implemented in Brussels. Failure to apply equal treatment to these two competing airports would likely result in a rollback of security measures in Brussels. We may also want to remind counterparts that without TSA approved secondary security measures at last point of departure, a public notice and/or cancellation of commercial service to the U.S. market is possible.

19. (SBU) Embassy Brussels notes that in the case of Zaventem airport, the Israeli carrier El Al has long received special arrangements (including at-gate profiling) to meet its security requirements. This may be a useful point to continue to make, not only in Belgium but also in other countries where El Al is present and receives similar

treatment.

¶10. (U) Posts appreciate the support received to date from Washington agencies.

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